

§ 32C-1-102. Definitions.

The following definitions apply in this Chapter:

- (1) **Agent.** – A person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor agent, and a person to which an agent's authority is delegated.
- (2) **Durable.** – With respect to a power of attorney, the incapacity of the principal does not terminate the power of attorney.
- (3) **Electronic.** – Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (4) **Entity.** – A sole proprietorship, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or any other legal or commercial entity whether or not organized for business purposes.
- (5) **Good faith.** – Honesty in fact.
- (6) **Incapacity.** – The inability of an individual to manage property or business affairs because the individual has any of the following statuses:
 - a. An impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance.
 - b. Is missing, detained, including incarcerated in a penal system, or outside the United States and unable to return.
- (7) **Internal Revenue Code.** – The Internal Revenue Code of 1986, as amended from time to time. Each reference to a provision of the Internal Revenue Code shall include any successor to that provision.
- (8) **Person.** – An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (9) **Power of attorney.** – A writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term power of attorney is used.
- (10) **Reserved.**
- (11) **Principal.** – An individual who grants authority to an agent in a power of attorney.
- (12) **Property.** – Anything that may be the subject of ownership, whether real or personal, or legal or equitable, or any interest or right therein.
- (13) **Record.** – Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (14) **Sign.** – With the present intent to authenticate or adopt a record, (i) to execute or adopt a tangible symbol or (ii) to attach to or logically associate with the record an electronic sound, symbol, or process.
- (15) **State.** – A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (16) **Stocks and bonds.** – Stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term does not include commodity futures contracts and call or put options on stocks or stock indexes. (2017-153, s. 1.)